

MAR 10 2004

OFFICIAL

PTO/SB/97 (08-00)

Approved for use through 10/31/2002. OMB 0651-0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

Certificate of Transmission under 37 CFR 1.8

I hereby certify that this correspondence is being facsimile
transmitted to the Patent and Trademark Office (703) 872-9306

on March 5, 2004.
Date

Deborah A. Dugan
Signature

Deborah A. Dugan
Typed or printed name of person signing Certificate

Note: Each paper must have its own certificate of transmission, or this
certificate must identify each submitted paper.

Response to Restriction Requirement mailed February 5, 2004 in connection
with In re Application of: Charles A. Nicolette USSN 09/922,405 filed
08/03/2001. - (3 sheets)

Group Art Unit: 1642
Examiner: Stephen L. Rawlings

TOTAL NUMBER OF PAGES (INCLUDING THIS COVERSHEET): 4

Deborah A. Dugan: Tel. (508) 270-2598; Fax (508) 872-5415

Burden Hour Statement: This form is estimated to take 0.03 hours to complete. Time will vary depending upon the needs of the individual case. Any
comments on the amount of time required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office,
Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents,
Washington, DC 20231.

Patent
Our Docket: 5036

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

| | | |
|--------------------------------|---|-------------------------------|
| In re Application of: |) | Art Unit: 1642 |
| Charles A. NICOLETTE |) | |
| |) | Examiner: Stephen L. Rawlings |
| Serial No.: 09/922,405 |) | |
| |) | |
| Filed: August 3, 2001 |) | |
| |) | |
| For: THERAPEUTIC ANTI-MELANOMA |) | |
| COMPOUNDS |) | |

Commissioner for Patents
P.O. Box 1450
Alexandria, VA22313-1450

I HEREBY CERTIFY THAT THIS CORRESPONDENCE IS BEING FACSIMILE TRANSMITTED TO THE UNITED STATES PATENT AND TRADEMARK OFFICE FACSIMILE NUMBER (703) 872-9306 ON MARCH 5, 2004.

March 5, 2004
Date

Deborah A. Dugan
Deborah A. Dugan

Response to Restriction Requirement/ Species Election under 35 U.S.C. 121

This communication is being filed in response to a Restriction Requirement mailed February 5, 2004. A response to this Restriction Requirement is due on March 5, 2004. Accordingly, this response is timely filed.

Remarks:

Claims 1-9 are pending in the subject application and are subject to a restriction requirement and species election.

In re: Nicolette
USSN: 09/922,405
Filed: August 3, 2001
Page 2

Requirement for Restriction under 35 U.S.C. 121

In the February 5, 2004 Office Action, the Office required restriction under 35 U.S.C. § 121 to one of the following allegedly independent and distinct inventions:

- Group I Claims 1-3, drawn to compositions comprising immunogenic ligands, classified in class 424, subclass 185.1.
- Group II Claims 4-8, drawn to host cells comprising immunogenic ligands, classified in class 435, subclass 325.
- Group III Claim 9, drawn to a method of inducing an immune response, classified in class 424, subclass 185.1.

Applicant's undersigned attorney hereby elects, with traverse, the invention of Group I, claims 1-3.

Species Election Requirement under 35 U.S.C. 121

The Office further required Applicant to specifically elect "**at least two species**"¹ from the Markush group, which will be considered for prosecution on the merits.

- a) SEQ ID NO: 3;
- b) SEQ ID NO: 5;
- c) SEQ ID NO: 7;
- d) SEQ ID NO: 9;
- e) SEQ ID NO: 11;
- f) SEQ ID NO: 13;
- g) SEQ ID NO: 15;
- h) SEQ ID NO: 17;
- i) SEQ ID NO: 19;
- j) SEQ ID NO: 21;
- k) SEQ ID NO: 23; and
- l) SEQ ID NO: 25.

¹ See February 5, 2004 Office Action, page 4, paragraph 2: Applicant is required under 35 U.S.C. 121 to specifically elect **at least two species** of peptide ligand from the Markush group ... (emphasis added).